

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TUNE HUNTER INC.,

Plaintiff,

v.

SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC; APPLE INC.; SHAZAM
ENTERTAINMENT LTD.; AMAZON.COM,
INC.; NAPSTER, LLC; MOTOROLA, INC.;
GRACENOTE, INC.; CELLCO
PARTNERSHIP d/b/a VERIZON
WIRELESS; LG ELECTRONICS USA,
INC.; AT&T MOBILITY LLC; and
PANTECH WIRELESS, INC.,

Defendants.

CASE NO. 2:09-cv-148-TJW

JURY TRIAL DEMANDED

**JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE OF
DEFENDANT AMAZON.COM, INC.**

Plaintiff Tune Hunter Inc. ("Tune Hunter") and defendant Amazon.com, Inc. ("Amazon") (individually, each "Party") by and through their respective attorneys, hereby stipulate and agree as follows:

1. All claims brought by Tune Hunter against Amazon in the above-entitled action shall be dismissed without prejudice;
2. Each Party shall bear its own costs, expenses and attorneys' fees incurred in connection with this case; and
3. Tune Hunter's claims against the other, remaining defendants in this action shall remain pending unless separately dismissed or otherwise resolved.

AGREED TO AND ACCEPTED BY:

/s/ John T. Polasek

John T. Polasek

tpolasek@pgelaw.com

POLASEK, QUISENBERRY & ERRINGTON, L.L.P.

6750 West Loop South, Suite 920

Bellaire, Texas 77401

Telephone: (832) 778-6000

Facsimile: (832) 778-6010

Counsel for Tune Hunter, Inc.

/s/ Josh A. Krevitt by permission John T. Polasek

Josh A. Krevitt

JKrevitt@gibsondunn.com

GIBSON, DUNN & CRUTCHER LLP

1801 California Street, Suite 4200

Denver, Colorado 80202

direct tel.: 303.298.5923

direct fax: 303.313.2843

Counsel for Amazon.com, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 8th day of January, 2010, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by, electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ John T. Polasek